

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MARGARET WHETSTONE,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 3:05cv1171-MEF-SRW
)	
FRED'S STORES OF TENNESSEE, INC.,)	
CINTAS CORPORATION, et al.,)	
)	
Defendants.)	

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on January 5th 2006 via telephone conference and was attended by:

Timothy B. Davis on behalf of Plaintiff, Margaret Whetstone;

Elizabeth Jackson on behalf of the Defendant, Fred's Stores of Tennessee, Inc.; and

George Zoghby on behalf of the Defendant, Cintas Corporation.

2. **Pre-Discovery Disclosures.** The parties shall exchange the information required by Rule 26(a)(1) by February 9th 2006.

3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:

Discovery will be needed on the following subjects:

A. All claims asserted by Plaintiff Margaret Whetstone, and all defenses asserted by Defendants Fred's Stores of Tennessee, Inc. and Cintas Corporation.

B. All discoveries, including depositions of expert witnesses, shall commence in time to be completed by 90 days before trial.

C. The parties will treat all previously served discovery as having been served as of January 9th 2006.

D. Paper discovery shall be as follows:

Maximum of 40 interrogatories by each party to any other party.

Maximum of 40 requests for admission by each party to the other party.

Maximum of 40 requests for production by each party to the other party.

E. Depositions shall be as follows:

Maximum of 10 depositions by Plaintiff and 10 by Defendant, each deposition limited to the time limit set forth in Rule 30(d)(2) unless otherwise agreed by the parties or ordered by the Court.

F. Reports from retained experts under Rule 26(a)(2) due:

From Plaintiffs by 120 days before trial.

From Defendants by 105 days before trial.

G. Supplementations under Rule 26(e) due by 30 days after a party learns that information previously disclosed is incomplete or incorrect.

4. Other Items.

A. The parties do not request a conference with the court before entry of the scheduling order.

B. Plaintiffs should be allowed until June 9th 2006, to join additional parties and until June 16th 2006, to amend the pleadings.

C. Defendants should be allowed until June 9th 2006, to join additional parties and until June 16th 2006, to amend the pleadings.

D. All potentially dispositive motions should be filed by 90 days before trial.

5. Disclosures to the Court.

A. Settlement cannot be realistically evaluated before initial discovery has been completed.

B. The parties are agreeable to mediation by a federal magistrate.

C. The parties request a final pretrial conference within 4 to 6 weeks of the scheduled trial term.

D. Final lists of trial evidence under Rule 26(a)(3) should be due:

From Plaintiffs: witnesses by 30 days before trial

exhibits by 30 days before trial

From Defendant: witnesses by 30 days before trial

exhibits by 30 days before trial

E. Parties should have 10 days after service of final lists of trial evidence to list objections under Rule 26(a)(3).

F. The case should be ready for trial by November of 2006, and at this time is expected to take approximately 3 days.

Respectfully submitted this the 5th day January, 2006.

S/ *Timothy B. Davis*

Timothy B. Davis

Attorney for Plaintiff, Margaret Whetstone

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S/ *Elizabeth Jackson*

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S/ *George Zoghby*

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